

Federal Communications Commission.**Michael C. Ruger,***Assistant Chief Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

{FR Doc. 92-5722 Filed 3-10-92; 8:45 am}

BILLING CODE 6712-01-N**47 CFR Part 73****(MM Docket No. 91-323; RM-7850)****Radio Broadcasting Services; Clarksville, VA**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Clarksville Broadcasting Company, Inc., licensee of Station WLCQ-FM, Channel 252A, Clarksville, Virginia, substitutes Channel 252C3 for Channel 252A at Clarksville, and modifies Station WLCQ-FM's license to specify operation on the higher powered channel. See 56 FR 56864, November 12, 1991. Channel 252C3 can be allotted to Clarksville in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.3 kilometers (11.4 miles) northwest to accommodate Clarksville Broadcasting's desired site. The coordinates for Channel 252C3 are 36-42-30 and 78-44-00. With this section, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau. (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is synopsis of the Commission's Report and Order, MM Docket No. 91-323, adopted February 26, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended

by removing Channel 252A and adding 252C3 at Clarksville.

Federal Communications Commission.**Michael C. Ruger,***Assistant Chief Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

{FR Doc. 92-5721 Filed 3-10-92; 8:45 am}

BILLING CODE 671241-U**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 1****{Ost Docket No. 1; Amdt. 1-2481}****Delegations of Authority to the Commandant, U.S. Coast Guard; the Maritime Administrator; and the Research and Special Programs Administrator**

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation has delegated to the Commandant, United States Coast Guard; Administrator, Maritime Administration; and Administrator, Research and Special Programs Administration, the authority vested in him by the Oil Pollution Act of 1990 (OPA 90) and additional authority vested in the President by OPA 90 and delegated to him by Executive Order No. 12777. The purpose of this rulemaking is to revise, remove and amend sections of 49 CFR part 1 to reflect these delegations.

EFFECTIVE DATE: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Sullivan, G-MS-1, (202) 267-6404, Oil Pollution Act (OPA 90) Staff, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

Mr. Steven Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-56 (202) 366-9306, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: In response to several major oil spills, Congress passed OPA 90 (Pub. L. 101-380, August 18, 1990, 104 Stat. 484) in order to prevent, respond to, and pay for oil and hazardous substance spills. Prevention includes containment. OPA 90 increases the liability of ship operators and owners for oil spill clean up and damage costs, sets up an oil spill trust fund for additional spill costs, mandates double hulls for oil tankers and barges, and strengthens federal authority to direct cleanups of oil spills.

The Secretary receives increased authority under OPA 90 and Executive Order 12777 to promulgate regulations to protect the environment from oil and hazardous substance spills during transportation by vessels, motor vehicle, railway or pipeline. With two exceptions, the authority given directly under OPA 90 or in E.O. 12777 is delegated to the Commandant, United States Coast Guard: Administrator, Maritime Administration; and Administrator, Research and Special Programs Administration. Those exceptions are: (1) The authority under E.O. 12777 to require, review, and approve response plans for pipelines, motor carriers, and railways; and (2) the authority under OPA 90 to adjust liability limits for vessels, deepwater ports, pipelines, motor carriers, and railways. Both will be delegated at a later date.

Because this rulemaking, which makes changes that are necessary to reflect the delegations under OPA 90 and E.O.

12777, relates to Departmental management, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register. Therefore, this final rule was effective March 3, 1992, the date the delegations were signed.

The revisions, removals and additions to the regulations in 49 CFR part 1 are organized in the following manner:

Subsections 1.44(o)(6) and 1.44(p) are removed because they refer to authority under Executive Orders that are repealed by Executive Order 12777.

Section 1.46(1) is revised by removing references to repealed sections of the Federal Water Pollution Control Act (33 U.S.C. 1321) and by making reference to the sections added by the Oil Pollution Act of 1990 (104 Stat. 464).

Section 1.46(m) is revised because it contained authority under repealed Executive Orders. The revised section 1.46(m) delegates authority given to the Secretary by the President in Executive Order 12777.

Section 1.46(z) is revised by removing references to sections of the Outer Continental Shelf Lands Act that have been repealed by OPA 90.

Section 1.46(ll) is revised because it contained authority under a repealed Executive Order. The revised paragraph reflects the delegation of authority given to the Secretary by OPA 90.

Sections 1.53(k) and 1.66(y) are added to reflect new authority under Executive Order 12777 and OPA 90.

In accordance with the Secretary's authority, the following changes are made.

List of Subjects in 49 CFR Part 1

Authority delegations, (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

§ 1.44 [Amended]

2. Section 1.44 is amended by removing and reserving paragraphs (o)(8) and (p).

3. Section 1.46 is amended by revising paragraphs (l), (m), (z), and (ii) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(l) Carry out the functions vested in the Secretary by sections 104(i), 104(j), 311(b), 311(j) (2) and (3), 311(m)(2), 312, and 402(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484), and sections 4202(b) (2) and (3) of the Oil Pollution Act of 1990.

(m) Carry out the functions assigned to the Secretary by Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 1(b), 2(a), 2(b)(2), 2(c), 2(d)(2), 2(e)(2), 2(f), 2(g)(2), 3, 5(a)(2), 5(b)(1), 5(b)(3), 6, 7(a) (1) and (3), 7(b), 7(c), 7(d), 8(d), 8(f), 8(g), 8(h), 9, and 10(c), excepting that portion of section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from pipelines, motor carriers, and railways; and further excepting that portion of 2(d)(2) relating to response plans concerning discharges from pipelines, motor carriers, and railways.

(z) Carry out the functions vested in the Secretary by the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et. seq.*), as amended, title VI of the Outer Continental Shelf Lands Act Amendments of 1978 (September 18, 1978; Pub. L. 95-372; 92 Stat. 629), except as delegated by § 1.53(a)(6).

(ii) Carry out the functions vested in the Secretary by sections 1015(b), 1016, 4107(b), 4109, 4110, 4111, 4114(a), 4115(b), 4115(e), 4116(c), 4118, 4203, 5002(c)(4),

5002(i), 5002(k), 5003, 5004, 5005(a)(5), 7001(a), 7001(b)(2) and 7001(c) (6) and (11) of the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380; 104 Stat. 484). (See 49 CFR 1.53 and 1.66).

4. Section 1.53 is amended by adding a new paragraph (k) to read as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

(k) Carry out the functions and exercise the authority delegated to the Secretary in Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges from, and to contain oil and hazardous substances in, pipelines, motor carriers, and railways. (See 49 CFR part 1.46 and 1.66)

5. Section 1.66 is amended by adding new paragraph (y) to read as follows:

§ 1.66 Delegations to the Administrator of the Maritime Administration

(y) Carry out the functions vested in the Secretary by the Oil Pollution Act of 1990 [August 18, 1990; Pub. L. 101-380; 104 Stat. 484] in sections 4115(f) relating to vessel financing and 4117 relating to a feasibility study of an oil pollution prevention program. (See 49 CFR 1.46 and 1.53).

Issued on: March 3, 1992.

Andrew H. Card, Jr.,
Secretary.

[FR Doc. 92-5378 Filed 3-10-92; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No- 92035740571

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: An emergency interim rule that contains several provisions to enhance conservation of summer flounder and protect threatened and endangered sea turtles is in effect through March 5, 1992. The emergency interim rule provides for minimum net mesh-size restrictions for the trawl

fishery, exemptions to the minimum mesh-size restriction, and framework management for the conservation of sea turtles taken incidentally in the summer flounder fishery. The Secretary of Commerce (Secretary) extends the emergency interim rule for an additional 90 days from March 6, through June 3, 1992, because conditions warranting the emergency still exist.

EFFECTIVE DATE The interim regulations amending part 625 published on December 5, 1991 (56 FR 63685, as corrected at 56 FR 66603, December 24, 1991; revised at 57 FR 213, January 3, 1992; and corrected at 57 FR 4248, February 4, 1992) are extended from March 6, 1992 through June 3, 1992.

ADDRESSES: Copies of the environmental assessment may be obtained from Richard B. Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799.

FOR FURTHER INFORMATION CONTACT: Richard G. Seantans, Jr., Senior Resource Policy Analyst, 508-281-9244, or Phil Williams, NMFS National Sea Turtle Coordinator, 301-713-2322.

SUPPLEMENTARY INFORMATION: Under section 305 (c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary promulgated an emergency interim rule (56 FR 63685; December 5, 1991) that implemented (1) A minimum mesh size restriction for nets in the trawl fishery for summer flounder, (2) several exemptions from the minimum mesh size restriction, and (3) framework measures to protect sea turtles that sometimes occur as bycatch or may be affected by the summer flounder trawl fishery. The emergency rule was effective from December 2, 1991, through March 5, 1992. Since then, a correction to the rule (56 FR 66603, December 23, 1991), a notice to revise tow-time requirements (57 FR 213; January 3, 1992) and a correction to that notice (57 FR 4248; February 4, 1992) have also been published in the Federal Register. With the agreement of the Mid-Atlantic Fishery Management Council, the Secretary extends the emergency interim rule for another 90 days under section 305(c)(3)(B) of the Magnuson Act, because conditions warranting the emergency still exist. The emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. This rule was reported to the Director of the Office of Management and Budget with an explanation of why following

4910-62
Final Rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Ost Docket No. 1 ; Amdt. 1- 248]

~~ORGANIZATION AND DELEGATION OF POWERS AND DUTIES~~ *delete*

DELEGATIONS OF AUTHORITY TO THE COMMANDANT, U.S.COAST GUARD:
THE MARITIME ADMINISTRATOR; AND THE RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATOR.

AGENCY: Office of the Secretary, DOT.

ACTION: Final Rule.

SUMMARY: The Secretary of Transportation has delegated to the
Commandant, United States Coast Guard; Administrator, Maritime
Administration; and Administrator, Research and Special Programs
Administration, the authority vested in him by the Oil Pollution
Act of 1990 (OPA 90) and additional authority vested in the
President by OPA 90 and delegated to him by Executive Order No.
12777. The purpose of this rulemaking is to revise, remove, and
amend sections of 49 CFR Part 1 to reflect these delegations.

EFFECTIVE DATE: *March 3, 1992*
(~~Insert date on which delegations were signed~~)

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline Sullivan, G-MS-1, (202) 267-6404, Oil Pollution
Act (OPA 90) Staff, U.S. Coast Guard Headquarters, 2100 Second
Street, S.W., Washington, D.C. 20593-0001.

Mr. Steven Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50, (202) 366-9306, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

20590.

SUPPLEMENTARY INFORMATION: In response to several major oil spills, Congress passed OPA 90 (Public Law 101-380, August 18, 1990, 104 Stat. 484) in order to prevent, respond to, and pay for oil and hazardous substance spills. Prevention includes containment. OPA 90 increases the liability of ship operators and owners for oil spill clean up and damage costs, sets up an oil spill trust fund for additional spill costs, mandates double hulls for oil tankers and barges, and strengthens federal authority to direct cleanups of oil spills. The Secretary receives increased authority under OPA 90 and Executive Order 12777 to promulgate regulations to protect the environment from oil and hazardous substance spills during transportation by vessel, motor vehicle, railway or pipeline. With two exceptions, the authority given directly under OPA 90 or in E.O. 12777 is delegated to the Commandant, United States Coast Guard: Administrator, Maritime Administration: and Administrator, Research and Special Programs Administration. Those exceptions are: (1) the authority under E.O. 12777 to require, review, and

approve response plans for pipelines, motor carriers, and railways: and (2) the authority under OPA 90 to adjust liability limits for vessels, deepwater ports, pipelines, motor carriers, and railways. Both will be delegated at a later date.

Because this rulemaking, which makes changes that are necessary to reflect the delegations under OPA 90 and E.O. 12777, relates to Departmental management, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register. Therefore, this final rule ^{was} ~~is~~ effective ^{March 3, 1992, the date the delegations were signed,} ~~immediately~~.

The revisions, removals and additions to the regulations in 49 CFR Part 1 are organized in the following manner:

Subsections 1.44(o)(6) and 1.44(p) are removed because they refer to authority under Executive Orders that are repealed by Executive Order 12777.

Section 1.46(l) is revised by removing references to repealed sections of the Federal Water Pollution Control Act (33 U.S.C. 1321) and by making reference to the sections added by the Oil Pollution Act of 1990 (104 Stat. 484).

Section 1.46(m) is revised because it contained authority under repealed Executive Orders. The revised section 1.46(m) delegates authority given to the Secretary by the President in Executive Order 12777.

Section 1.46(z) is revised by removing references to sections of the Outer Continental Shelf Lands Act that have been repealed by OPA 90.

Section 1.46(ll) is ^{revised} ~~removed~~ because it contains ^{ed} authority under a repealed Executive Order. ^{the revised paragraph} to reflect the delegation of authority given to the Secretary by OPA 90.

Sections 1.53(k) and 1.66(y) are added to reflect new authority under Executive Order 12777 and OPA 90.

In accordance with the Secretary's authority, the following changes are made.

List of Subjects in 49 CFR Part 1

Authority delegations, (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part ^(arabic numeral) ~~I~~ of Title 49, Code of Federal Regulations, is amended ~~to read~~ as follows:

PART 1 -- (~~AMENDED~~) ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322,

2. Section 1.44 is amended by removing and reserving paragraphs (o)(6) and (p),

3. Section 1.46 is amended by revising paragraphs (l), (m), (z), and (11) to read as follows:

(they will use symbol)
~~Section~~ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

²
(1) Carry out the functions vested in the Secretary by sections 104(i), 104(j), 311(b), 311(j)(2) and (3), 311(m)(2), 312, and 402(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990^(August 18, 1990; P.L. 101-380; 104 Stat. 484), and Sections 4202(b)(2) and (3) of the Oil Pollution Act of 1990^(August 18, 1990; P.L. 101-380; 104 Stat. 484)

(m) Carry out the functions assigned to the Secretary^(30 CFR, 1991 Comp.; 56 FR 54757) by Executive Order 12777ⁿ in sections 1(b), 2(a), 2(b)(2), 2(c), 2(d)(2), 2(e)(2), 2(f), 2(g)(2), 3, 5(a)(2), 5(b)(1), 5(b)(3), 6, 7(a)(1) and (3), 7(b), 7(c), 7(d), 8(d), 8(f), 8(g), 8(h), 9, and 10(c), excepting that portion of section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from pipelines, motor carriers, and railways; and further excepting that portion of 2(d)(2) relating to response plans concerning discharges from pipelines, motor carriers, and railways.

* * * * *

(z) Carry out the functions vested in the Secretary by the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.), as amended, title VI of the Outer Continental Shelf Lands Act Amendments of 1978^(Sept. 18, 1978; 92 Stat. 629) (Pub. L. 95-372^h), except as delegated by ^{use symbol} [sec.] 1.53(a)(6).

* * * * *

(11) Carry out the functions vested in the Secretary by sections 1015(b), 1016, 4107(b), 4109, 4110, 4111, 4114(a), 4115(b), 4115(e), 4116(c), 4118, 4203, 5002(c)(4), 5002(i), 5002(k), 5003, 5004, 5005(a)(5), 7001(a), 7001(b)(2) and 7001(c)(6) and (11) of the Oil Pollution Act of 1990^{August 18, 1990;} (pub. L. 101-380^{104 Stat. 484}). (See 49 CFR ~~Part~~ 1.53 and 1.66).

* * * * *

^{use symbol}
4. ~~Section~~ 1.53 is amended by adding a new paragraph (k) to read as follows:

Section 1.53 Deleaatons to the Administrator of the
Research and Special Programs Administration<

* * * * *

(k) Carry out the functions and exercise the authority delegated to the Secretary in Executive Order 12777 in sections 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges from, and to contain oil and hazardous substances in, pipelines, motor carriers, and railways. (See 49 CFR Part 1.46 and 1.66)

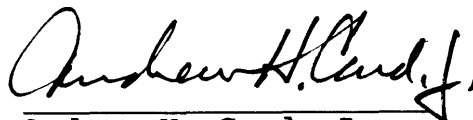
5. Section 1.66 is amended by adding new paragraph (y) to read as follows:

Section 1.66 Deleaatons to the Administrator of the Maritime Administration:

* * * * *

(y) Carry out the functions vested in the Secretary by the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101-380: 104 Stat. 484) in sections 4115(f) relating to vessel financing and 4117 relating to a feasibility study of an oil pollution prevention program. (See 49 CFR Part 1.46 and 1.53).

Issued on: March 3, 1992


Andrew H. Card, Jr.,
Secretary